

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

EDUARDO CORREA-LÓPEZ,
Plaintiff,

v.

EDWIN O. GONZÁLEZ-RAMOS, ET. AL.,
Defendant.

Case No. 24-cv-1006-RAM

MOTION REQUESTING ORDER TO ISSUE AND SERVE SUMMONS

A. The Motion

Petitioner Eduardo Correa-López, through counsel, respectfully moves this Court for an order to issue and serve a summons on Respondents¹ under Rule 4 of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 4(b).

B. Basis for the Motion

Mr. Correa, proceeding pro se, filed a petition under 28 U.S.C. § 2254 on or about January 8, 2024. ECF No. 2. He also moved to proceed in forma pauperis. ECF No. 1. This Court granted his in forma pauperis motion, ECF No. 18, and appointed the Federal Public Defender as counsel, ECF No. 9.

Generally, a “summons must be served with a copy of the complaint.” Fed. R. Civ. P. 4(c)(1). “The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.” *Id.* But if a petitioner/plaintiff “is authorized to proceed in forma pauperis,” this Court “may order

¹ Given a transfer between prison institutions, Mr. Correa moved this Court today for an order to amend the case caption and substitute the present facility’s warden. ECF No. 22.

that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.” Fed. R. Civ. P. 4(c)(1); *see, e.g., Ramos-Cruz v. Emanuelli-Hernández, et al.*, No. 20-cv-1589-FAB, ECF Nos. 20-26 (D.P.R.) (granting motion for issuance of summons and service). Mr. Correa attaches a proposed summons for each respondent (attached as Exhibit A). It is requested that this Court order service of summons, once issued, by the U.S. Marshals Service.

WHEREFORE, Mr. Correa respectfully moves this Court to note and grant this motion to issue and serve summons on each respondent.

RESPECTFULLY SUBMITTED on May 28, 2024.

RACHEL BRILL
Federal Public Defender
District of Puerto Rico

S/KEVIN E. LERMAN*
Assistant Federal Public Defender
USDC-PR No. G03113
241 F.D. Roosevelt Ave.
San Juan, P.R. 00918-2441
Tel. (787) 281-4922, Fax (787) 281-4899
E-mail: Kevin_Lerman@fd.org

*** CERTIFICATION:** I ECF-filed this **MOTION**, notifying any parties of record.